

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO JAVIER ALCAZAR,

Defendant.

Case No.: 06-CR-00095-JF

ORDER DENYING MOTIONS FOR
RETURN OF CASH

On September 24, 2013, Petitioner filed a Motion to return cash, ECF No. 157. On March 4, 2013, Petitioner filed a Motion for Return of Cash Surrender of Petitioner, ECF No. 158. In both motions, Petitioner seeks the return of \$1,100.68.

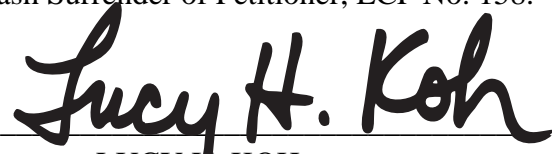
As Duty Judge for the month of March, the undersigned judge was assigned Petitioner's Motion filed on March 4, 2013. On March 11, 2013, the undersigned judge ordered the Assistant United States Attorney and Defense Counsel at the time of Petitioner's sentencing to file a response to Petitioner's Motion by April 2, 2013, ECF No. 160. On April 4, 2013, the Assistant United States Attorney filed a response that the \$1,168 in case to which Petitioner's Motion refers was seized administratively by the DEA on June 9, 2006, ECF No. 161. A claim from Petitioner for the cash was denied on May 19, 2006, the case was closed by the DEA on August 3, 2006, and the U.S. Marshal Service on July 12, 2006. *Id.*

1 On April 8, 2013, the Assistant United States Attorney filed Exhibit A to Response to
2 Defendant's Motion for Return of Property, which is a Declaration of Forfeiture by a DEA Asset
3 Forfeiture Section Senior Attorney dated June 9, 2006, ECF No. 162. The Declaration of
4 Forfeiture states that notice of seizure of the cash had been sent to "all known parties who may
5 have a legal or possessory interest in the property" and had been published, but that no claim had
6 been filed for the property within 30 days from the date of last publication of the advertisement. *Id.*
7 Therefore, the cash was declared forfeited to the United States on June 9, 2006. *Id.*

8 Accordingly, the Court DENIES with prejudice Petitioner's Motion to return cash, ECF No.
9 157, and Petitioner's Motion for Return of Cash Surrender of Petitioner, ECF No. 158.

10 **IT IS SO ORDERED.**

11 Dated: April 9, 2013


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California